vested property right, if it is based on a mere technicality, it may be divested by retrospective legislation. *Utter* v. *Franklin*, 172 U. S. 416; *Danforth* v. *Groton Water Co.*, 178 Mass. 472, 59 N. E. 1033. See *Foster* v. *Essex Bank*, 16 Mass. 245, 273. In the principal case, the plaintiff's only basis for recovery was a mere oversight of the legislature, and hence his right to recovery might constitutionally be taken away. The fact that the plaintiff had brought an action before the curative act was passed does not add to his rights. *State* v. *Norwood*, 12 Md. 195; *Ferry* v. *Campbell*, 110 Ia. 290, 81 N. W. 604. A similar result has been reached in a case involving the unauthorized collection of customs duties. *United States* v. *Heinszen & Co.*, 206 U. S. 370.

DISCOVERY — INTERROGATORIES — USE IN ACTION FOR LIBEL — DISCLOSURE BY NEWSPAPER OF SOURCE OF INFORMATION. — The plaintiff brought an action for libel against the defendant newspaper. The defendant pleaded fair comment. The plaintiff sought to interrogate the defendant as to the source of the alleged libel, stipulating that this information would not be made the basis of an action against the defendant's informant. The defendant refused to answer the interrogatories. *Held*, that he need not do so. *Lyle-Samuels* v. *Odhams, Ltd.*, [1920] 1 K. B. 135.

The English practice allows the propounding of interrogatories in all civil actions. RULES OF THE SUPREME COURT, Order XXXI, Rule 1. Such interrogatories must be relevant to the issues in the case, and must not be oppressive. Order XXXI, Rules 6 and 7. In the principal case, the interrogatories seem to have been relevant, as the character of the defendant's source of information might clearly have been evidence on the issue of malice. Such interrogatories have frequently been allowed. *Elliott* v. *Garrett*, [1902] 1 K. B. 870; *White & Co.* v. *Credit Reform Assn.*, [1905] 1 K. B. 653. An exception has been made, however, in cases where the defendant was a newspaper. *Hennessy* v. *Wright*, 24 Q. B. D. 445 n.; *Plymouth Mutual Coöperative Society* v. *Traders' Publishing Assn.*, [1906] 1 K. B. 403. The principal case is an example of this exception. The exception seems an anomalous one. A newspaper as such has no special privilege as to the publication of defamatory matter. *Barnes* v. *Campbell*, 59 N. H. 128. See *Arnold* v. *The King-Emperor*, L. R. 41 Ind. App. 149, 169. There seems to be no good reason why such privilege should be given as to the answering of interrogatories concerning such defamatory matter. Another reason advanced to support the privilege is that disclosure of the source of the libel would enable the plaintiff to sue the informant. See *Hennessy* v. *Wright*, 24 Q. B. D. 445 n., 448 n. But the fact that the disclosure sought may reveal a right of action against a third person is not a fatal objection to allowing such disclosure. *Heathcoate* v. *Fleet*, 2 Vern. 442; *Hurricane Telephone Co.* v. *Mohler*, 51 W. Va. 1, 41 S. E. 421.

EVIDENCE — *RES GESTAE* — VIOLATION OF RULES OF RAILWAY COMPANY AS EVIDENCE OF NEGLIGENCE. — In an action for the death of the plaintiff's intestate, plaintiff claimed that the servants of the defendant railroad were negligent in not maintaining a lookout on the tender of a backing engine by which, it was alleged, the intestate was killed. Rules of the corporation requiring such a lookout were admitted in evidence. *Held*, that the admission was error. *Louisville & N. R. Co.* v. *Stidham's Adm'x*, 218 S. W. 460 (Ky.).

A slight majority of the authorities has sustained the admission of such precautionary rules as evidence of a standard of care admitted or assumed by the corporation. *Lake Shore & M. S. R. Co.* v. *Ward*, 135 Ill. 511, 26 N. E. 520; *Sullivan* v. *Richmond Light & R. Co.*, 128 App. Div. 175, 112 N. Y. Supp. 648. But no cases have been found holding a refusal to admit them error. And an important minority objects that the standard of care is fixed by law and may be neither enlarged nor decreased by the corporation. *Fonda* v. *St. Paul City*